

TWENTY-SIXTH DAY.

SENATE CHAMBER.)
AUSTIN, February 10, 1875.)

Senate met pursuant to adjournment : roll called : quorum present. Prayer by the chaplain.

On motion of Senator Wood, the reading of the journal of yesterday was dispensed with.

Senator Stirman, Chairman Committee on State Affairs, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate :

Your Committee on State Affairs, to whom was referred Senate bill No. 623, "An act to incorporate Mount Olivet Cemetery Company," having considered the same, instruct me to report said bill back to your honorable body, and recommend its passage, with the following amendments:

In section eight, first line, strike out all after the word "enacted" to the word, "said" in third line, and insert in lieu thereof "that all lots in said cemetery, after sale to individuals, and designation for use for burial purposes, shall be exempt from taxation."

W. B. STIRMAN, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on State Affairs, to whom was referred Senate bill No. 621, "An act to reimburse Lee county for the expenses incurred by said county in making out proper assessment rolls for the same," have considered the same, and instruct me to report said bill back to your honorable body, and recommend its passage, with the following amendment:

In section one, lines seventeen and eighteen, strike out "seven hundred and fifty," and insert "five hundred."

W. B. STIRMAN, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on State Affairs, to whom was referred Senate bill No. 537, "An act to reward J. T. Morris for capturing the stage robber, J. C. Reid," having carefully considered the same, instruct me to report said bill back to your honorable body, and recommend its passage.

W. B. STIRMAN, Chairman.

A message was received from the House, announcing the passage of Senate bill No. 472, "An act to provide for the building and completing of two State penitentiaries, with a view to the utilization of the convict labor of the State in mining and manufacturing enterprises," with an amendment by the House. Also, the passage of Senate bill No. 503, "An act appropriating five thousand dollars to improve the Capitol grounds."

Senator Erath, Chairman Committee on Private Land Claims, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Private Land Claims, to whom was referred Senate bill No. 645, "An act for the relief of Thomas Parker," have considered the same and instruct me to report said bill back to your honorable body, and recommend its passage. GEO. B. ERATH, Chairman.

Senator Wood, for Judiciary Committee, submitted the following reports :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary, ask leave to report back to your honorable body, Senate bill No. 601, "An act to amend section 357 of an act entitled 'an act prescribing the mode of proceeding in district courts in matters of probate,' " approved August 15, 1870, and recommend its passage. WOOD, for Committee.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary ask leave to report back to the Senate, House bill No. 627, "An act to cause the county courts of the several counties in this State, to furnish the county surveyor with necessary office books," and recommend its passage, with the following amendment: Amend by inserting after word "books" in line 9, the following words, "and all necessary county maps."

WOOD, for Committee.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary ask leave to report back to the Senate, House bill No. 577, "An act to amend article 407 of the Code of Criminal Procedure," adopted August 20, 1856, and recommend that it do not pass.

WOOD, for Committee.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary ask leave to report back to the Senate House bill No. 560, "An act to amend an act entitled 'an act to adopt and establish a Penal Code,'" approved August 26, 1856; approved October 18, 1871; and recommend that it do not pass.

Wood, for Committee.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary ask leave to report back to your honorable body, Senate bill No. 636, "An act to regulate the powers and duties of county courts, and to prescribe penalties for the violation of this act," and recommend its passage.

Wood, for Committee.

Senator Baker, Chairman Finance Committee, submitted the following reports :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Finance, to whom was referred Senate bill No. 450, "An act to make an appropriation to pay justices of the peace for assessing taxes for 1874," beg leave to report the same back, and recommend that no action be had thereon, for the reason that the objects sought to be obtained by the bill, have been accomplished by another bill passed at this session, in the Senate.

W. R. BAKER, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Finance, to whom was referred Senate bill No. 591, "An act for the relief of Col. A. Horton," beg leave to report the same back, and recommend that it do not pass.

W. R. BAKER, Chairman.

Senator Allison, Chairman Committee on Stock and Stock Raising, submitted the following reports :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Stock and Stock Raising, to whom was referred Senate bill No. 634, "An act to amend sections 1, 14, 26, 44 and 45, of an act entitled 'an act to encourage stock raising and for the protection of stock raisers,'" approved March 23, 1874, have considered the same, and instruct me to report said bill back to your honorable body, with the recommendation that it do pass.

R. D. ALLISON, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Stock and Stock Raising, to whom was referred Senate bill No. 632, "An act to amend 'an act to regulate the estraying of stock in the State of Texas,'" approved October 26, 1866, have considered the same, and instruct me to report it back to your honorable body, and recommend its passage. R. D. ALLISON, Chairman.

Senator Culberson, Chairman Committee on Internal Improvements, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Internal Improvements ask leave to report back to your honorable body, Senate bill No. 644, "An act to incorporate the Fairfield, Hillsboro and Cleburne Railroad Company, and to grant lands to aid in the construction thereof," and recommend its passage, with the following amendments, to-wit:

1st. Amend by striking out the word "mile," and inserting "half mile," wherever it occurs in section eight.

2d. Amend by striking out the words "considering the benefits and injuries to the lands and premises owner, occasioned by the establishment of said railway," in section 11, commencing on the 24th line from the top.

CULBERSON, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Internal Improvements ask leave to report back to your honorable body, Senate bill No. 635. "An act amendatory of an act entitled 'an act to organize and incorporate the East Line and Red River Railroad Company,'" approved March 22, 1871, and of the "acts passed thereafter in relation to said company," and recommend its passage. CULBERSON, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Internal Improvements ask leave to report back to your honorable body, Senate bill No. 620, "An act supplemental to 'an act to encourage the erection of certain machinery by donations of land and otherwise,'" approved December 15, 1873, and recommend its passage.

CULBERSON, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Internal Improvements ask leave to

report back to your honorable body, Senate bill No. 643, "an act to amend section 13 of 'an act to encourage the construction of railroads in Texas, by donation of land,'" approved January 30, 1854, and recommend its passage.

CULBERSON, Chairman.

Senator Camp, for Committee on Federal Relations, submitted the following report :

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Federal Relations, to whom was referred Senate joint resolution, No. 631, "Requesting our Senators and Representatives in Congress to aid in securing the passage of a law for the relief of the heirs of L. R. Wortham, deceased," having considered the same, a majority of said committee have instructed me to report said joint resolution back to your honorable body, and recommend its passage.

CAMP, for Committee.

Senator Morris offered the following resolution : In view of the dangers of usurpation which now threaten the States of Louisiana, Arkansas, Mississippi and Texas, be it

Resolved, That the Committee on Constitutional Amendments carefully consider the propriety of providing for a convention to frame a new constitution at this session of the Legislature ; that said committee likewise consider the necessity and propriety of submitting amendments to the constitution, and the nature of such amendments to a vote of the people ; and that said committee likewise take into consideration the propriety of providing for a general election of members of the Legislature at an early day, when such amendments as may be deemed necessary may be submitted to the people ; and that said amendments, if accepted by the people, may be ratified, and the evils now existing be removed ; said committee is directed to take into consideration the propriety of an early meeting of the Fifteenth Legislature. Read and referred to Committee on Constitutional Amendments.

Senator Friend introduced a bill entitled "An act to amend section seven of 'an act authorizing quarantine on the coast of Texas and elsewhere in the State,'" approved June 10, 1870, and amended August 13, 1870. Read first time and referred to Judiciary Committee.

Senator Westfall offered the following resolution :

Resolved, That the Secretary of the Senate be and is hereby instructed to make out a *per diem* certificate to

James H. Henderson, from the meeting of the Legislature to the present date, for services as Assistant Enrolling Clerk of the Senate. Referred to Committee on Finance.

Senator Randle introduced a bill entitled "An act to incorporate the Gulf, Austin and Northern Railroad Company, and to grant land to aid in the construction thereof." Read first time and referred to Committee on Internal Improvements.

Senator Bradshaw introduced a bill entitled "An act to incorporate the Dallas and Southwestern Narrow Gauge Railroad Company, and to aid in the construction of said road." Read first time and referred to Committee on Internal Improvements.

Senator Bradshaw introduced a bill entitled "An act to authorize the owners of any debt against the State of Texas, which has been, or may hereafter be established, according to law, to surrender the same, and receive in lieu thereof, land scrip." Read first time and referred to Committee on Public Lands.

Senator Bradshaw introduced a bill entitled "An act to amend an act entitled 'an act to incorporate the Dallas and Wichita Railroad Company, and to aid in the construction of said road,' " approved May 24, 1873. Read first time and referred to Committee on Internal Improvements.

On motion of Senator Culberson, the rules were suspended, and Senate bill No. 635, "An act amendatory of and supplementary to an act entitled 'an act to organize and incorporate the East Line and Red River Railroad Company,' approved March 22, 1871, and of the acts passed thereafter in relation to said company," " was taken up and read second time.

Senator Parker moved that the bill be made special order for Thursday next, at 11 o'clock A. M. Lost.

Senator Parker offered the following amendment:

"*Provided*, that the citizens of the county of Titus be and they are hereby forever released from all obligations to pay to said company a subsidy of two hundred thousand dollars, or any part thereof, which was voted to said company by the citizens of the said county of Titus, in the month of July, 1872.

Senator Camp offered the following as an amendment to the amendment:

"*Provided further*, that said company may, if it is deemed best for the interest of the company, construct

their road upon the most practicable route between Jefferson and Sulphur Springs, in Hopkins county." Adopted.

The question then recurring on the amendment offered by Senator Parker, it was adopted.

The bill, as amended, was then ordered engrossed.

On motion of Senator Culberson, the rules were suspended, bill read third time and passed.

On motion of Senator Wood, the rules were suspended, and Senate bill No. 642, "An act supplemental to 'an act to regulate the fees in the General Land Office,'" approved June 2, 1873, was taken up and read a second time.

Senator Wood offered a substitute, which was adopted.

Senator Baker offered the following amendment which was lost, viz: "Strike out that part of section one, which declares that this act shall apply to papers already filed."

The bill was then ordered engrossed.

On motion of Senator Wood, the rules were suspended, and the bill read third time and passed.

On motion of Senator Dwyer, the rules were suspended, and House bill No. 621, "An act to repeal an act entitled 'an act concerning the levy of taxes for Bexar county,'" passed August 12, 1870, was taken up, read second time, and passed to third reading.

On motion of Senator Dwyer, the rules were further suspended, and bill read third time and passed.

By leave, Senator Bradshaw made the following reports:
Hon. R. B. Hubbard, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 606, "An act to legalize the official acts of J. J. Metcalf," have examined the same, and I am instructed to report the same back and recommend its passage.

BRADSHAW, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 624, "An act to validate the acts of certain notaries public," have examined the same, and I am instructed to report the same back and recommend its passage.

BRADSHAW, Chairman.

On motion of Senator Bradshaw the Senate went into Executive session.

IN SENATE.

Secretary was instructed to inform the Executive of the confirmation of Jesse Jones, to be Notary Public of Tarrant

county; and C. D. Erwin to be Notary Public of Leon county.

On motion of Senator Culberson, the rules were suspended, and Senate bill No. 472, "An act to provide for the building and completing of two State penitentiaries, with a view to the utilization of the convict labor of the State in mining and manufacturing enterprises," was taken up, and on motion of Senator Culberson, the House amendment concurred in.

On motion of Senator Westfall, the rules were suspended, and Senate bill No. 604, "An act to authorize Gustave Schleicher and G. Hoffman to erect and keep a boom across the Colorado river, at or near the city of Austin, in the county of Travis," was taken up and read the second time.

Senator Camp offered the following amendment:

Amend by striking out the "second section." Adopted.

The bill was then ordered engrossed.

Senator Westfall moved a further suspension of the rules, and bill read a third time and passed.

Senator Randle, Chairman of Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 641, "An act to carry into effect section 24, article V, of the constitution, by defining the offenses of non-feasance, mis-feasance and mal-feasance in office, and providing penalties therefor;" Senate bill No. 639, "An act attaching Bexar territory to the county of Kinney, for judicial and surveying purposes;" Senate bill No. 490, "An act concerning land titles;" Senate bill No. 618, "An act authorizing the records of Menard county to be transcribed," and find all of same correctly engrossed.

ED. RANDLE, for Committee.

On motion of Senator Friend, the rules were suspended and Senate bill No. 478, "An act to provide for the removal of county seats," and substitute therefor, entitled "an act to regulate the removal and establishment of county seats," was taken up.

Substitute read first time and adopted.

The amendments of the committee reporting on said bill were adopted.

Senator Ellis offered the following amendment: Add Lavaca county to the counties exempted from the operation of this act. Adopted.

Senator Bradley offered the following amendment: Amend by striking out the words "actually voting" and insert in lieu thereof the words "of the county." Lost.

The bill, as amended, was then read second time and ordered engrossed.

On motion of Senator Friend, the rules were suspended, bill read third time and passed.

The hour having arrived for the consideration of the special order, to-wit: Senate joint resolution No. 447, "Condemning the interference with and destruction of the State government of Louisiana, by the present Federal administration," pending House amendments thereto, it was taken up.

On motion of Senator Dillard, the Senate went into a Committee of the Whole.

The President called Senator Dillard to the chair.

After an eloquent and glowing speech from the Lieutenant Governor, the Chairman of the Senate called Senator Flanagan to the chair, and reported progress on said bill, and asked leave to sit again. Report adopted.

IN SENATE.

On motion of Senator Parker, the Senate adjourned until 10 o'clock A. M. to-morrow.

TWENTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, February 11, 1875. }

Senate met pursuant to adjournment. Roll called; quorum present.

(Senator Dillard in the chair.)

Prayer by the chaplain.

On motion of Senator Allison, the reading of the journal of yesterday was dispensed with.

Senator Russell presented the petition of citizens of Eagle Pass, Maverick county, "Praying for restriction